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RUDKIA/AMCONSUL CHIANG MAI 0853
RHMMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 3046
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 0697
RUEKJCS/SECDEF WASHDC
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RUEKJCS/Joint STAFF WASHDC

S E C R E T SECTION 01 OF 04 RANGOON 000168

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STATE FOR EAP AND IO; PACOM FOR FPA

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TAGS: PGOV PREL BM

SUBJECT: BURMA: RESPONDING TO THE REGIME'S "ROADMAP TO DEMOCRACY"

REF: A. RANGOON 166
¶B. RANGOON 41

Classified By: P/E Chief Leslie Hayden for Reasons 1.4 (b) and (d)

¶1. (C) Summary: Burma's military regime is preparing to wrap up its National Convention, debut a new constitution, and move forward with a national referendum within the next year.

In doing so, the regime hopes to gain domestic and international acquiescence to a constitution that will cement the military's rule and permanently sideline Aung San Suu Kyi's National League for Democracy (NLD) and all other pro-democracy opposition parties. The "Seven Step Roadmap to Disciplined Democracy" is the regime's primary tool for nullifying the results of the 1990 parliamentary elections, which the NLD won by an overwhelming majority. As the regime debuts its own constitution and moves forward with its roadmap, the international community should insist that all political parties be allowed to participate in the constitutional process and that Burma's people be allowed to debate its pros and cons freely and vote on it by secret ballot. At the same time, we should remind the opposition that compromises on all sides will be necessary for any political dialogue to succeed. End summary.

The "Seven Step Roadmap to Democracy"

¶2. (U) On August 30, 2003, former Prime Minister Khin Nyunt announced the regime's plans to move forward on a "Seven Step Roadmap to Disciplined Democracy." The first step was the resumption of the National Convention (NC), a procedure the regime began in January 1993, before adjourning it in March 1996. Its purpose was to draft a set of "guiding principles" for a new constitution. Although that step now seems to be winding up at last, the second step of the roadmap is vague. It states that after the National Convention, there will be a step-by-step implementation "of the process necessary for the emergence of a genuine and disciplined democratic system." Next is the drafting of the constitution, followed by its adoption through a national referendum. Steps five and six are the holding of "free and fair" elections for a parliament and the convening of parliament. The final step is the building of a "modern and democratic nation" by its elected

leaders and state governments.

¶2. (SBU) The regime established the NC in lieu inviting the winners of the 1990 elections to draft the new constitution. Indeed, the NC has been the regime's primary tool for nullifying the result of those elections. One of the six objectives the regime laid out for the NC was to provide a way for the military to be able to participate in the political leadership of a future state. When the NC first convened, only fifteen percent of the delegates had been elected in the 1990 elections. Of 677 total delegates, only 86 were from the NLD, even though it won eighty percent of the seats in 1990. All other delegates were hand-picked by the regime. The delegates from the NLD participated in the NC for just over two years. In November 1995, Aung San Suu Kyi issued a press statement criticizing the NC for being undemocratic in both its composition and procedures.

Specifically, she criticized the regime for only including a small minority of those elected by the people; for not allowing the NC objectives or procedures to be established by the delegates themselves; for censoring the delegates' papers and discussions; for deciding issues before they were fully discussed; and for making decisions not only on broad principles for the proposed constitution, but also on its details. Shortly after her statement, the NLD delegates walked out of the convention in protest, and on November 29, 1995, the regime officially expelled them.

¶3. (SBU) Post has reported extensively on the lack of free debate in the National Convention and the frustration of the ethnic cease-fire groups, whose grievances have not been addressed and whose suggestions are repeatedly brushed aside. Most troubling is the regime's undemocratic method of

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stifling any criticism of the NC: the anti-subversion law. The anti-subversion law, or 5/96 as it is commonly known, carries a penalty of 5 to 20 years for those found "disturbing and opposing" the NC. It is one of the laws under which the regime threatened to charge the five 88 Generation Students leaders during their recent detention. It is a threat regularly cited to NC delegates when they try to debate an issue.

Moving Ahead

¶4. (C) Many of our contacts participating in the NC claim the regime has already completed its new constitution and that the NC process is strictly for appearances. According to recent statements by Burma's Foreign Minister and information given to the CDA by the Chinese Ambassador (Ref A), the regime expects to wrap up the convention sometime this year, debut its constitution, and move forward with a referendum. There is no indication the Generals intend to slow down or revise this process to allow for any genuine dialogue with the opposition in advance of presenting a new constitution for approval. On February 6, the regime's mouthpiece daily, the New Light of Myanmar, ran a three-day series under the Minister of Information's pen-name attacking the UNSC resolution's demand for a genuine political dialogue and declaring the NC process sufficient.

¶5. (U) Recently, NC attendees have informed us of a number of the key NC decisions, while others have been confirmed by regime media. Most significant are the following:

-- There will be a Union Parliament made up of two bodies: a House of Representatives consisting of 330 elected members plus 110 appointed military representatives, and a House of Nationalities made up of 168 elected members plus 56 appointed military reps. In sum, twenty-five percent of Parliament's seats will be reserved for the military.

-- The Union Parliament will chose the President from among three candidates, one chosen by elected members of the House

of Representatives, another by elected members of the House of Nationalities, and the third by the military representatives. The two candidates not elected will both become Burma's Vice Presidents.

-- The Commander in Chief of the military will be equal in rank to the Vice Presidents and will be charged with "safeguarding the constitution."

-- The constitution will allow the military to exercise a coup as necessary.

-- Political parties who contact insurgent groups or anyone determined by the state to be "terrorists" will be disbanded.

-- Political parties receiving direct or indirect financial, material, or other assistance from governments, religious and other associations, or individuals of a foreign country will be disbanded.

-- There will be a rigid procedure for amending the constitution and it can only be amended with complete agreement of seventy-five percent of the Union Parliament.

-- The central government, rather than state governments, will hold residual power to handle critical matters. Many believe the regime will use this principle to maintain central government control of key natural resources, most of which are located in Burma's ethnic minority states.

Preparing for a Transition

¶6. (C) We see several indications the regime may be preparing for a constitutional referendum and transition to a "civilian government" in the near future. Many believe the

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recent replacement of military Township Peace and Development Council chairs with civilians is a sign of this intent. The creation of a General Administration Department within the Ministry of Home Affairs signals the regime is working to create a civilian administrative apparatus. The recent requirement that all citizens renew their national registration cards and update family registration lists may also be the regime's attempt to conduct an informal census in preparation for a national referendum. Rumors persist that Than Shwe and Maung Aye plan to step down from the military and appoint No. 3 General Thura Shwe Mann as Commander in Chief, preparing themselves to occupy the most powerful positions in the future "democratic" government: President, Vice President, and military chief. But two wild cards remain in the regime's roadmap: the referendum on the constitution and parliamentary elections, plus the reluctance of Maung Aye to forego leadership.

¶7. (C) Although the regime has not yet announced which political parties will be allowed to participate in future elections, the broad restrictions established at the NC may be used to provide justification for disbanding the NLD or disqualifying its members. The regime regularly accuses the NLD of being backed by neocolonialists and "outside destructive elements." They also often accuse the leaders of the 88 Generation Students of receiving foreign support and being associated with "terrorists." In what may be a sign of its intentions, last week the regime summoned Acting NLD Chairman U Aung Swe and other leaders of the Committee Representing the People's Parliament (CRPP) and told them the CRPP was an illegal organization and had contacts with outside "terrorists." On February 9, the New Light of Myanmar noted that the NLD will only have the right to run in any future elections if it is still found to be a legal political party in accordance with the future constitution. On the other hand, the Chinese have been told that the NLD would be permitted to participate.

¶8. (C) Many, including several NC delegates, have told us the regime is preparing to transform its mass-member organization, the Union Solidarity and Development Association (USDA), into a political party. Through coercion and pressure, our sources say, the USDA hopes to win at least thirty percent of parliamentary seats in any future election.

Contacts have told us the regime is handing USDA more economic leverage over local businessmen throughout the country by giving it control over selected government contracts and export/import licenses. Many suspect USDA will award these lucrative contracts and licenses in exchange for votes.

¶9. (C) There is no assurance they will succeed. We see no indication USDA enjoys any popular support. Most members are forced to join because the regime requires it of their professions. If a secret ballot is permitted, as in the 1990 elections, many may make promises to USDA, pocket incentives, and then vote as they please. In 1990, the regime deployed the National Unity Party to bribe, threaten, harass, and coerce the population into voting for its candidates. Aung San Suu Kyi was held under house arrest and the regime fostered many break-off parties to divide the pro-democracy opposition. Convinced it would win, the regime let the election proceed with a secret ballot. In return, the Burmese handed it a stunning defeat. The public is likely to respond the same way if again allowed to vote freely.

Response of the Pro-Democracy Opposition

¶10. (C) The defeat of the UNSC council resolution has focused both the pro-democracy opposition and the ethnic minorities on the regime's determination to move forward with their roadmap. Many of the groups, including the NLD, are engaged in vigorous internal debate on how to influence the outcome of the roadmap effectively. The NLD "uncles" seem paralyzed, and have run out of new ideas. Younger members of the NLD want the party to become more active and reach out to

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generate public support for an inclusive dialogue with the regime. This is the same approach the 88 Generation Students have tried to initiate with their recent campaigns (Ref B). The critical decision for the NLD is whether to continue to call for the regime to honor the results of the 1990 elections, boycotting any future referendums or elections, or to join the fray and campaign vigorously to renew their mandate. NLD spokesman U Myint Thein told us recently the NLD Central Executive Committee is currently discussing these options. However, no decisions can be made until the regime outlines who will be able to participate in the elections and how the votes will be conducted.

Comment

¶11. (C) Successful constitutions require political bargains. A new constitution will not contribute to Burma's stability if it allows one group to be far better off than the others. The Generals are trying to cement their power by imposing their vision of "disciplined" democracy from above, while cutting off the freedom of assembly, free speech, vigorous debate, and development of grass roots NGOs and civil society that Burma needs to overcome decades of division, distrust, and neglect. We should prepare for the regime's next steps by emphasizing to China, India, ASEAN, and like-minded countries that the U.S. cannot and will not accept the rubber-stamping of a sham, imposed constitution as an acceptable alternative to true dialogue and lasting reform. All political parties, including the NLD, should be allowed to hold public discussions, and the international community should insist that secret ballots and international monitoring be permitted in any future referendums or elections. At the same time, we should remind the opposition that compromises on all sides will be necessary for any

dialogue to succeed. The regime's greatest fear is the uncensored voice of their own people. Although they will try to choreograph the process, Burmese voters will not be fooled, and neither should others. End comment.

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